

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ILLUMINA, INC. and
VERINATA HEALTH, INC.,

Plaintiffs,

v.

MOLECULAR LOOP BIOSCIENCES, INC.,

Defendant.

C.A. No. 24-911-RGA

STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Plaintiffs Illumina, Inc. and Verinata Health, Inc. (collectively, “Illumina”) and Defendant Molecular Loop Biosciences, Inc. (“Molecular Loop”) stipulate as follows:

1. WHEREAS, Molecular Loop represents that it is the current owner of United States Patent No. 9,163,281 (“the ’281 Patent”), United States Patent No. 11,041,851 (“the ’851 Patent”), United States Patent No. 11,041,852 (“the ’852 Patent”), United States Patent 11,768,200 (“the ’200 Patent”), and United States Patent 11,840,730 (“the ’730 Patent”);
2. WHEREAS, on June 10, 2024, Illumina filed this Action for a Declaratory Judgment in the United States District Court for the District of Massachusetts, Case No. 1:24-cv-11501-JEK, seeking, among other things, a declaration that Illumina has not infringed and does not infringe, either directly or indirectly, any claim of the ’281 Patent, the ’851 Patent, the ’852 Patent, the ’200 Patent, and the ’730 Patent, either literally or under the doctrine of equivalents;
3. WHEREAS, also on June 10, 2024, Molecular Loop filed a Complaint in the United States District Court for the District of Delaware, Case No. 1:24-cv-00680-RGA (“the Molecular Loop Action”), alleging that Illumina infringes the ’852 Patent, the

'200 Patent, and the '730 Patent through its sale of the TruSight Oncology 500, VeriSeq NIPT Solution, and Verifi Prenatal Test;

4. WHEREAS, on August 2, 2024, Molecular Loop and Illumina jointly moved to transfer this Action to the United States District Court for the District of Delaware.
5. WHEREAS, on August 15, 2024, Molecular Loop granted to Illumina a covenant not to sue regarding the '281 Patent and the '851 Patent.
6. NOW THEREFORE, the parties stipulate that this Action is dismissed without prejudice. For the avoidance of doubt, the dismissal is without prejudice to Illumina re-raising its claims against the '852 Patent, the '200 Patent, and the '730 Patent as affirmative defenses and/or counterclaims in response to the Molecular Loop Action, and also without prejudice to Illumina re-raising its claims against the '281 Patent and the '851 Patent should Molecular Loop later assert any infringement claims against Illumina based on either of those patents.

RICHARDS, LAYTON & FINGER, P.A.

FARNAN LLP

/s/ Kelly E. Farnan

Kelly E. Farnan (#4395)
One Rodney Square
920 North King Street
Wilmington, DE 19801
(302) 651-7700
farnan@rlf.com

*Attorneys for Plaintiffs Illumina, Inc. and
Verinata Health, Inc.*

Dated: August 29, 2024

/s/ Brian E. Farnan

Brian E. Farnan (Bar No. 4089)
Michael J. Farnan (Bar No. 5165)
919 North Market Street, 12th Floor
Wilmington, DE 19801
Tel: (302) 777-0300
Fax: (302) 777-0301
bfarnan@farnanlaw.com
mfarnan@farnanlaw.com

*Attorneys for Defendant Molecular Loop
Biosciences, Inc.*

IT IS SO ORDERED this ____ day of August, 2024.

The Honorable Richard G. Andrews